

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

ORDER
08-CV-706A

STERLING JEWELERS INC.,

Defendant.

This case was referred to Magistrate Judge Jeremiah J. McCarthy (Dkt. No. 139), pursuant to 28 U.S.C. § 636(b)(1)(A). On April 30, 2010, plaintiff filed a motion for a protective order and on June 8, 2010 arbitration claimants filed a motion to intervene.

On July 15, 2010, Magistrate Judge McCarthy filed a Decision and Order, granting in part and denying in part plaintiff's motion for a protective order and granting the arbitration claimants' motion to intervene. Both plaintiff and defendant filed objections to the Decision and Order and responses to the respective objections. The Court heard oral argument on October 19, 2010.

Pursuant to 28 U.S.C. § 636(b)(1)(A), the district court "may reconsider any pretrial matter under this [section] where it has been shown that the magistrate's order is clearly erroneous or contrary to law." The Court has reviewed the parties' objections and Magistrate Judge McCarthy's Decision and Order. Upon

such review and after hearing argument from counsel, the Court finds that Magistrate Judge McCarthy's Decision and Order is neither clearly erroneous nor contrary to law.

Accordingly, the Court affirms the Decision and Order and denies the parties' objections (Dkt. Nos. 144, 146 and 148) to that Decision and Order.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: APRIL 25, 2011